IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4637 OF 2005

Shri. Sanjay Bhausaheb Shinde ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. M. S. Mohite for the Applicant.
Shri. S. R. Borulkar, P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : AUGUST 01, 2005.

P.C.:

1. Heard Shri. Mohite appearing for the Applicant and learned Public Prosecutor for the State. The learned P.P. on instructions of the Investigating Officer who is present in the Court states that investigation is nearing completion. He states that investigation will be completed within a period of fifteen days from today. The statement is accepted.

2. Shri. Mohite appearing for the Applicant submitted that the Applicant is a handicapped person having sixty percent permanent disability and his wife has undergone a surgery. He therefore, prays that the Applicant may be permitted to withdraw the Application with liberty to file a fresh Application before the Sessions Court after completion of investigation.

3. The learned P.P. on instructions has stated that investigation will be completed within a period of fifteen days from today. The Applicant has relied upon the certificate issued by the Sasoon General Hospital, Pune which prima facie shows that the

Applicant is handicapped person having permanent disability of sixty percent. Therefore, if a fresh Application is made by the Applicant to the Sessions Court after completion of investigation, the same deserves to be heard on merits.

4. Hence, Application is allowed to be withdrawn with liberty to file a fresh Application in the Sessions Court after completion of period of fifteen days from today. If such Application is made, the same will be considered on its own mertis.

JUDGE